

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

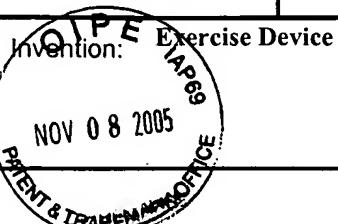
Applicant(s): Gray

Docket No.

3/1124US(1)

Application No.
10/608,845Filing Date
27 June 2003Examiner
S. Crow

Customer No.

Group Art Unit
3764

I hereby certify that the following correspondence:

Comments on Statements for Reasons for Allowance; Transmittal of Payment of Issue Fee; Form B - Issue Fee; Notice of Allowance; LRF Check No. 37213 for \$1,000; Certificate of Mailing via Express Mail; Acknowledgement Postcard

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

11-8-05*(Date)***Kim Dorsey***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***ER 467894686 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gary W. Gray

Appln. No. 10/608,845 : Art Unit: 3764
Filed: June 27, 2003 : Examiner: S. Crow
For: EXERCISE DEVICE : Docket No.: 3/1124US(1)

Commissioner for Patents
Alexandria, VA 22313

Comments on Statements of Reasons for Allowance

Sir:

In response to the Reasons for Allowance mailed October 13, 2005 Applicant wishes to make the following statement:

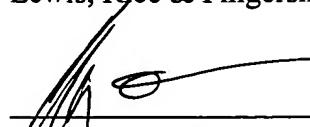
Applicant has authorized the listed Examiner's amendment solely to expedite prosecution as both Applicant and Examiner agree that the element of "providing independent resistance to each foot pad" is not shown in Devlin.

Applicant, however, continues to maintain that Devlin fails to show structure for achieving the element of "having said side-to-side stepping motion be resisted by said exercise machine" which was present in the method of claim 31 prior to the Examiner's amendment. Applicant further does not admit that such structure, or, in fact, any structure related to providing a stepping exercise, is shown in Devlin by authorizing this amendment.

These Comments are timely as they are submitted in conjunction with the issue fee.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.

Dated: November 8, 2005



Kirk A. Damman
Registration No. 42,461
Attorney for Applicant

Customer Number: 22822
Lewis, Rice and Fingersh, L.C.
Attn: Box IP Dept.
500 N. Broadway, Suite 2000
St. Louis, MO 63102-2147
Tel: (314) 444-7600
Fax: (314) 444-7788